

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

JERRY A. BRABAZON, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

Case No. 10-CV-714

AURORA HEALTH CARE, INC.,
Defendant.

PETITION FOR CLASS COUNSEL'S COSTS AND ATTORNEYS' FEES

NOW COMES the Plaintiff, Jerry A. Brabazon, by and through his attorneys, Hawks Quindel, S.C., and respectfully petitions the Court for an award of costs and attorneys' fees as set forth below and on those grounds set forth in Plaintiffs' supporting Memorandum of Law and accompanying declarations of Attorneys William E. Parsons, Michael J. Modl, Heath P. Straka and Larry Johnson.

1. Class Counsel has negotiated the settlement of this FLSA collective action and Rule 23 class action on behalf of a class that includes approximately 212 individuals.
2. The settlement creates a settlement fund of \$480,000. Plaintiffs petition for recovery of their costs and attorneys' fees in the amount of \$170,000. This amount represents a discount from Plaintiffs actual attorneys'

fees and costs, which are, to date \$183,656. Plaintiff's counsel anticipates that, through settlement, their total anticipated fee will be \$193,656. However, per the terms of the settlement agreement, Plaintiff's counsel has agreed to petition the Court for approval of a fee of no more than \$170,000.

3. Plaintiff's counsel has expended considerable resources litigating this matter, including securing conditional certification of the FLSA collective class, fully briefing his Motion for Class Certification Pursuant to Fed. R. Civ. P. 23, exchanging and analyzing tens of thousands of pages of discovery, conducting and defending numerous depositions, and preparing for and attending a mediation resulting in the successful resolution of this matter.

4. As set forth in greater detail in Plaintiffs' supporting Memorandum of Law and accompanying declarations, the requested award is consistent with the market rate for similar cases, and is reasonable in this case.

WHEREFORE, Plaintiff respectfully requests that the Court award costs and attorneys' fees as set forth above.

Respectfully submitted this 25th day of July, 2011.

HAWKS QUINDEL, S.C.

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